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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/761,152

01/20/2004

Edward E. Orner

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EXAMINER

NGUYEN, KIMNHUNG T

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/761,152	Applicant(s) ORNER ET AL.	
	Examiner KIMNHUNG NGUYEN	Art Unit 2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-17 and 19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1,2,4-17 and 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This application has been examined. The claims 1-2, 4-17 and 19 are pending. The examination results are as following.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 6-17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Omura et al. (US 2003/0001825) in view of Hartel (US 6,702,125).

As to claim 1, Omura et al. disclose in fig. 29-30, a support frame for an interactive display, the interactive display vertically adjustable to a desired height located between a bottom height and a top height, the frame comprising:

a base element (616);

a positioning element for the interactive display. However, Omura et al. do not disclose a position locking element; the positioning element providing for a continuous level of vertical adjustment of the interactive display between the bottom height and the top height, the position locking element for the releasable locking of the interactive display at the desired height, and the weight of the interactive display allowing for the continuous level of vertical repositioning of the interactive display with a force of less than about 25 pounds.

Hartel discloses in fig. 1, a position locking element (see verticals supports 10 being fastened on the base frame 30 and also is a locking element of the display), the positioning element providing for a continuous level of vertical adjustment of the frame between the bottom height and the top height (see a support frame for receiving external electrical devices, having a base frame on which two vertical supports are fastened and are arranged parallel at a distance from each other, clearly, the two vertical supports adjust the frame between height and top height see col. 3, see claim 1), the position locking element for the releasable locking of the frame.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement position locking element; the positioning element providing for a continuous level of vertical adjustment of the frame between the bottom height and the top height, the position locking element for the releasable locking of the frame as taught by Hartel into the support frame for an interactive display of Omura et al. for producing the claimed invention because this would provide the vertical supports being fastened on the base frame in one of a first installation position and a second installation position rotated by 180 degrees around longitudinal axes of the vertical supports with respect to the first installation position (see claim 1).

Omura et al. and Hartel do not disclose the level of vertical repositioning of the frame has a force of less than about 25 pounds.

It would have been obvious to Omura et al. and Hartel's system to have the vertical repositioning of the frame has a force of less than about 25 pounds claimed since such a modification would have involved a mere change in the weight of a system.

See In re Rose, 105 USPQ 237 (CCPA 1955) and

In re Reven, 156 USPQ 679 (CCPA 1968).

As to claim 2, Omura et al. and Hartel do not disclose the level of vertical repositioning of the frame has a force ranges from about 1.0 ounce to about 3 pounds.

It would have been obvious to Omura et al. and Hartel's system to have the vertical repositioning of the frame has a force of less than about 25 pounds claimed since such a modification would have involved a mere change in the weight of a system.

See In re Rose, 105 USPQ 237 (CCPA 1955) and

In re Reven, 156 USPQ 679 (CCPA 1968).

As to claim 6, Omura et al. disclose further comprising an interactive display mounted thereon (fig. 29 and 30).

As to claim 7, Omura et al. do not disclose the support frame further comprising a plurality of vertical supports. Hartel discloses a plurality of support frames (10) as discussed in claim 1.

As to claim 8, Omura et al. disclose the horizontal support (fig. 29), however, Omura et al. do not disclose the horizontal support connects at least two of the plurality of vertical supports as discussed in claim 1.

As to claim 9, Omura et al. disclose the support frame, wherein the interactive display is selected from a touch-sensitive display and electronic whiteboard (figs. 29 and 30).

As to claim 10, Omura et al. disclose further comprising a power source secured to the support frame, see 0248).

As to claim 11, Omura et al. disclose further wherein the power source is rechargeable (see 0248).

As to claims 12-14, Omura et al. disclose further wherein the power source comprises a battery (see 0248).

As to claims 15-17, Omura et al. disclose an inherent the power source includes a power cord for recharging and includes a power level indicator.

As to claim 19, Omura et al. disclose further the support frame comprising a plurality of mobile elements mounted on the base element (616, fig.30).

4. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Omura et al. (US 2003/0001825) and Hartel (US 6,702,125) as applied to claim 1 above, and further in view of Jakobs et al. (US 5,300,943).

Omura et al. and Hartel do not disclose a hydraulic positioning element.

Jakobs et al. discloses in fig. 1, an electronic image processing workstation (1) comprising a support base (10) having adjustments by using the hydraulic system (see col. 8, lines 63-66 and col. 8, lines 22-35).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the hydraulic system as taught by Jakobs et al. into the support frame for interactive display of Omura et al. and Hartel for producing the claimed invention because this would provide the adjustments are executed with the assistance of built-in electronic motors and actuators that make the system will be cooler when it's operation.

Response To Arguments

5. Applicant's arguments filed 3/17/08 have been fully considered but they are not persuasive.

Applicant states that that "Omura fails to disclose "the position locking element for the releasable locking of the interactive display at the desired height," as recited in independent Claim 1. The Examiner alleges Hartel discloses this limitation. Applicant respectfully disagrees. Hartel, according to the Examiner's interpretation, discloses "the position locking element for the releasable locking of the *frame*" (emphasis added). Applicant respectfully submits that independent Claim 1 does not recite releasable locking of the *frame*, but of the "interactive display at the desired height." No assertion is made in the *Office Action* that such a releasable locking of the display is disclosed in Hartel, nor does Hartel provide such disclosure. Indeed, Hartel discloses no locking of the display and, further, no *releasable* locking of the display *at a desired height*. Hartel discloses only the fastening of the vertical supports to the base of the frame, and such fastening cannot occur at a "desired height." Hartel does not teach or disclose releasable locking of the interactive display at a desired height.

Examiner respectfully disagrees because Omura et al. disclose in fig. 29-30, a support frame for an interactive display, the interactive display vertically adjustable to a desired height located between a bottom height and a top height. However, Omura et al. do not disclose a position locking element; the positioning element providing for a continuous level of vertical adjustment of the interactive display between the bottom height and the top height, the position locking element for the releasable locking of the interactive display at the desired height, But

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Hartel discloses in fig. 1, a position locking element (see verticals supports 10 being fastened on the base frame 30 and also is a locking element of the display), the positioning element providing for a continuous level of vertical adjustment of the frame between the bottom height and the top height (see a support frame for receiving external electrical devices, having a base frame on which two vertical supports are fastened and are arranged parallel at a distance from each other, clearly, the two vertical supports adjust the frame between height and top height see col. 3, see claim 1). Omura et al. disclose a support frame for interactive display, and adjustable to a desired height. Hartel discloses a position locking element then should have an inherent a releasable locking (lock and release). Therefore, the combination of Omura et al. and Hartel are satisfied for their intended purpose. For these reasons, the rejections are maintained.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KIMNHUNG NGUYEN whose telephone number is (571)272-7698. The examiner can normally be reached on MON-FRI, FROM 8:30 AM-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe can be reached on (571) 272-7691. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kimnhung Nguyen/
Examiner, Art Unit 2629
June 25, 2008

/Richard Hjerpe/
Supervisory Patent Examiner, Art Unit 2629

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